

**TRANSLATION**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>D 1891</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/053549</b>	International filing date ( <i>day/month/year</i> ) <b>16.12.2004</b>	Priority date ( <i>day/month/year</i> ) <b>17.12.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>H01 H19/02, H01 H19/14</b>		
Applicant <b>SCHNEIDER ELECTRIC INDUSTRIES SAS</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of <u>3</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/053549

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-13 \_\_\_\_\_ received by this Authority on 27.06.2005 with letter of 24.06.2005
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/3-3/3 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-13</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-13</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-13</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	<p>Reference is made to the following documents:</p> <p>D1: WO 01/48769 A (HILGERS ANGELA; MOELLER GMBH (DE); KUEPPER WILFRIED (DE)) 5 July 2001 (2001-07-05)</p> <p>D2: US-A-5 845 365 (HOWIE JR ROBERT K) 8 December 1998 (1998-12-08)</p> <p>D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document; see page 6, line 32 to page 8, line 11; figures 1, 5 and 6):</p> <p>a rotating backlit button for an electric circuit, including a knob (10) that is capable of pivoting about an axis for actuating at least one electric switch unit and is backlit by a light source (die Beleuchtung des Knebels 10 durch eine rückseitig mit der Wahltaste verbundene Lichtquelle) substantially arranged along the axis; said knob (10) comprises a cap (10) forming a disc and a gripping lug (see figure 1) projecting in a diametrical plane and delimiting a hollow space.</p> <p>Consequently, the subject matter of claim 1 differs from this known rotating backlit button in that:</p> <ul style="list-style-type: none"> <li>- the cap (22) is made of a translucent or transparent material enabling the light to pass to the outside;</li> <li>- the cap (22) covers a built-in mechanical base (21) made of an opaque, mechanically strong material;</li> </ul>		

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p data-bbox="300 367 1469 525">- a light diffusing component (30) inserted into the knob (20) guides the light from the light source (S) from under the base (21) to the hollow space (23) of the lug (22A) .</p> <p data-bbox="300 577 1469 661">The subject matter of claim 1 is therefore novel (PCT Article 33(2)) .</p> <p data-bbox="300 714 1469 829">The problem that the present invention is intended to solve can be considered to be that of improving the diffusion of light within the knob.</p> <p data-bbox="300 882 1469 1008">The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)) for the following reasons:</p> <p data-bbox="300 1018 1469 1312">In D1, page 7, lines 21 to 24, only the fact that the button can be lit is mentioned. D1 therefore does not specify which portions of the button are translucent and enable light to pass thereby indicating to the user the state of the button. A person skilled in the art aware of D1 would therefore not be prompted in the slightest to solve the problem of light diffusion.</p> <p data-bbox="300 1323 1469 1533">Furthermore, if a person skilled in the art were to attempt to solve this problem, the cited documents such as D1 or D2 do not disclose any relevant element that would enable him or her to arrive at the invention as claimed, without exercising inventive skill.</p> <p data-bbox="300 1585 1469 1711">Claims 2 to 13 are dependent on claim 1 and thus also comply, as such, with the PCT requirements of novelty and inventive step.</p>